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May 26, 2012

**BY ECF**

Honorable Sandra L. Townes  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

***Re: United States v. Frank Guerra, et al., 10 Cr. 147 (S-4) (SLT)***

Dear Judge Townes:

On behalf of Michael Persico, we respectfully write regarding the government's supplemental motion in limine filed on May 20, 2012, to admit recordings made at FCI Milan during Alphonse Persico's incarceration there. As noted in the government's submission, pending before the Court is our motion to suppress the government's use of those recordings as it has failed to prove that authorization was received as required under Title III or that the recordings were consensual. In the event that the Court does not preclude the admission of the recordings for that reason, we will then respond to the government's supplemental motion to admit the Milan recordings.

Respectfully submitted,

/s/

Sarita Kedia

Paul Shechtman

cc: Government counsel  
All defense counsel  
(By ECF)